

**Nixon Peabody LLP**

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**PRIVILEGE AND CONFIDENTIALITY NOTICE**

The information in this fax is intended for the named recipients only. It contains privileged and confidential matter. If you have received this fax in error, please notify us immediately by a collect telephone call to (617) 345-1000 and return the original to the sender by mail. We will reimburse you for postage. Do not disclose the contents to anyone. Thank you.

**FAX**#151 Reg for  
refund  
08-27-03**Date:** August 22, 2003**Pages (including cover):** 56**To:** Refund Section, Accounting  
Division, Office of Finance**Fax:** 1.703.308.5806**Ph:** 1.703.306.3338**From:** David Resnick**Message:** In re application of: Larry I. Benowitz

Application No.: 09/872,347

Group No.: 1646

Filed: 06/01/01

Examiner: LI, RUIXIANG

For: METHODS AND COMPOSITIONS FOR PRODUCING A NEUROSALUTARY  
EFFECT IN A SUBJECT**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this Request for Refund is being transmitted via facsimile to the Office of Finance at the Patent and Trademark office on the date shown below.



Melissa Kruggel

Date: August 22, 2003

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**Date:** August 22, 2003**Pages (including cover):** 56**To:** Refund Section, Accounting  
Division, Office of Finance**Fax:** 1.703.308.5806**Ph:** 1.703.306.3338**From:** David Resnick**Client/Matter:** 701039-52161**User No.:** 7466**Disbursement Amount:** \$

Practitioner's Docket No. 701039-052161

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Larry I. Benowitz

Application No.: 09/872,347

Group No.: 1646

Filed: 06/01/01

Examiner: LI, RUIXIANG

For: METHODS AND COMPOSITIONS FOR PRODUCING A NEUROSALUTARY EFFECT IN A SUBJECT

Mail Stop 16

Director of the U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

**REQUEST FOR REFUND  
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)****I. REFUND REQUEST**

This is a request for a refund, with respect to the charge to Deposit Account 50-0850, shown on the statement dated June, 2003, for the above-identified patent.

A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

**II. FEES CHARGED FOR WHICH REFUND REQUESTED****AMOUNT OF  
REFUND  
REQUESTED**

Petition for Extension of Time (2 months)

TOTAL REFUND REQUESTED      \$205.00

**III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

A Response to the Office Action dated December 31, 2002 was mailed on May 30, 2003 (received by the U.S. PTO on June 2, 2003). A Two Month Extension fee for a Large Entity in the amount of \$410.00 was charged to the Nixon Peabody LLP Deposit Account (50-0850). Attached is the Assertion of Small Entity Status. Since this change of entity status is being sent within the three month time limit for refunds please refund us the \$205.00 for the Small Entity Fee.

Applicants hereby request a refund of \$205.00 for the charge made to the NIXON PEABODY LLP Deposit Account No. 50-0850.

Also enclosed is a copy of the postcard and the deposit account statement with the charge circled.

Adjustment date: 08/25/2003 EEKUBAY1  
06/05/2003 DTHOAS 00000001 500850 09872347  
01 FC:1252 410.00 CR

08/25/2003 EEKUBAY1 00000016 500850 09872347

01 FC:2252 205.00 DA

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**IV. MANNER OF REFUND**

Please make refund by crediting Account No. 50-0850.

Date: 8/22/03

Reg. No.: 34,235  
Tel. No.: 617-345-6057  
Customer No.: 26248

  
\_\_\_\_\_  
Signature of Practitioner

David S. Resnick  
Nixon Peabody LLP  
101 Federal Street  
Boston, MA 02110  
U.S.

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Practitioner's Docket No. 701039-052161

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Larry I. Benowitz

Application No.: 09/872,347

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P.O. Box 1450

Alexandria, VA 22313-1450

ASSERTION OF SMALL ENTITY STATUS  
(37 C.F.R. § 1.27(c)(1))

Applicant hereby states that applicant is a small entity and that status as a small entity is asserted for this patent.

Date: 8/22/03  
David S. Resnick (34,235)Nixon Peabody LLP  
101 Federal Street  
Boston, MA 02110  
U.S.  
Tel. No.: 617-345-6057  
Reg. No.: 34,235CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

G deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231

37 C.F.R. § 1.8(a)

G with sufficient postage as first class mail.

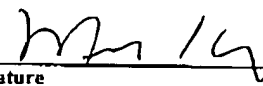
37 C.F.R. § 1.10\*

G as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

X facsimile transmitted to the Patent and Trademark Office, (703) 308-5806.

  
SignatureDate: 8/22/03

Melissa Kruggel

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

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Mailing Date: 30 May 2003  
Client: Children's  
Inventors: Karry I. Benowitz  
Serial No.: 09/872,347  
Filing Date: 01 June 2001

Attorney/Sec: DSR/nmg  
Docket No.: 701039-052161

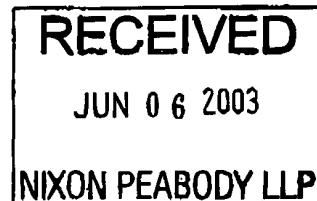
Patent No.:  
~~Grant Date:~~

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of:

1. Transmittal Form (1 pg.);
2. Amendment (10 pp.);
3. Declaration - Larry I. Benowitz (2 pp.);
4. Appendix A - Curriculum Vitae (21 pp.);
5. Appendix B - Figure (1 pg.);
6. Appendix C - *J. of Neuroscience*, 23(6):2284-2293 (March 15, 2003) (10 pp.);
7. Certificate of Mailing (1 pg.);
8. Return Receipt Postcard.



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## Deposit Account Statement

Requested Statement Month:

June 2003

Deposit Account Number:

500850

Name:

NIXON PEABODY LLP

Attention:

Address:

101 FEDERAL STREET

City:

BOSTON

State:

MA

Zip:

02110

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
① - 06/05	1	09872347	701039-052161	1252	\$410.00	\$4,699.00
06/23	37	PAYMENT		9204	-\$3,301.00	\$8,000.00
06/26	5	10048315		9204	-\$42.00	\$8,042.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$5,109.00	\$410.00	\$3,343.00	\$8,042.00

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